

1 REMARKS

2 Claims 1-3, 6, 13, 16, 20, 23-25, 28, and 32-33 are currently amended.
3 Claims 4-5, 14-15, 21-22, 26, and 29 are canceled. Claims 1-3, 6-13, 16-20, 23-
4 25, 27-28, and 30-33 are pending and are listed below. In view of the foregoing
5 amendments and the following remarks, Applicant respectfully requests that this
6 application be allowed and forwarded on to issuance.

7
8 §112 Rejections

9 In the current Action, the Office rejects claims 18, 19, and 27 under 35 U.S.C.
10 §112 as failing to provide an antecedent basis for an element in the claims. *Office*
11 *Action mailed 12/04/2006*, p. 2. Applicant respectfully submits, however, that
12 Applicant has been previously amended these claims in order to obviate the grounds
13 for these rejections. It therefore appears that the Office inadvertently fails to remove
14 these rejections in the current Office Action.

15 Applicant therefore once more respectfully requests that the Office withdraw
16 the rejections.

17
18 §101 Rejections

19 Claims 25, 27-30, and 32-33 stand rejected under 35 U.S.C. §101 as being
20 directed to non-statutory subject matter. Applicant respectfully traverses the
21 rejections. Nevertheless, Applicant has amended these claims for the sole purpose of
22 advancing prosecution and without conceding the propriety of the Office's
23 rejections.

24 **Claim 25** has been amended to recite, in whole, the subject matter of
25 previously-dependent claim 26. In particular, claim 25 has been amended to recite

1 “a storage medium configured to retain the binary information”. Applicant notes
2 that claim 26 does not stand rejected under 35 U.S.C. §101. Applicant therefore
3 respectfully submits that this amendment obviates the grounds for the Office’s
4 rejection and respectfully requests that the rejection be withdrawn.

5 **Claim 27** depends from claim 25 and, due to this dependency, recites
6 statutory subject matter. Applicant therefore respectfully requests that the rejection
7 of this claim under 35 U.S.C. §101 be withdrawn.

8 **Claim 28** has also been amended and, as amended, now recites “a storage
9 medium configured to retain the binary files”. Applicant respectfully submits that
10 this “storage medium” represents that the element present in previously-dependent
11 claim 26. Furthermore and as noted immediately above, claim 26 does not stand
12 rejected under 35 U.S.C. §101, apparently for its inclusion of this “storage medium”.
13 Applicant therefore respectfully submits that this amendment to claim 28 obviates
14 the grounds for the Office’s rejection, and respectfully requests that the rejection be
15 withdrawn.

16 **Claims 30 and 32** have been similarly amended to recite “a database
17 *embodied as a computer-readable storage medium*”. (emphasis added). Again,
18 Applicant respectfully submits that such an amendment results in claims that recite
19 statutory subject matter for the same reasons discussed above in regards to claims
20 25 and 28. That is, these claims now each recite an element that the Office treats
21 as resulting in a claim directed to statutory subject matter. Applicant therefore
22 respectfully submits that these amendments obviates the grounds for the Office’s
23 rejections, and respectfully requests that the rejections be withdrawn.

1 **Claim 31 and 33** depend from claims 30 and 32, respectively, and, due to this
2 dependency, recite statutory subject matter. Applicant therefore respectfully requests
3 that the rejection of these claims under 35 U.S.C. §101 be withdrawn.

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5 **§102 Rejections**

6 Claims 1-18 and 20-33 stand rejected under 35 U.S.C. §102(b) as being
7 anticipated by U.S. Patent No. 6,199,204 to Donohue (hereinafter, "Donohue").
8 Applicant respectfully traverses the rejections. Nevertheless, Applicant has amended
9 some of the claims for the sole purpose of advancing prosecution, as discussed
10 above.

11 **Claim 1** has been amended and, as amended, recites a processor-readable
12 medium having a tangible component and comprising processor-executable
13 instructions configured for:

- 14
 - receiving a binary signature at a server computing device;
 - receiving a security patch at the server computing device;
 - identifying, from the server computing device, a vulnerable
16 binary file located on a client computing device based on the
17 binary signature, the client computing device being remote
from the server computing device; and
 - updating, from the server computing device, the vulnerable
18 binary file located on the client computing device with the
19 security patch.

20 Applicant respectfully submits that the Office fails to show how Donohue
21 discloses at least the added elements of Applicant's amended claim 1. For
22 instance, Applicant respectfully submits that the Office fails to show how
23 Donohue discloses "receiving a binary signature [and]...a security patch *at [a]*
24 *server computing device*", "identifying, *from the server computing device*, a
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1 vulnerable binary file *located on a client computing device*", and "updating, *from*
2 *the server computing device*, the vulnerable file *located on the client computing*
3 *device*", as recited in Applicant's claim. (emphasis added). Furthermore,
4 Applicant notes that during the above-referenced interview, the Examiner
5 appeared to agree that Donohue discloses no such claim elements.

6 For at least these reasons, this claim stands allowable.

7 **Claims 2-4 and 7** depend from claim 1 and, as such, the remarks made
8 above in regards to claim 1 apply equally to these claims. The rejections of these
9 claims are also improper as failing to disclose these claims' own recited features
10 which, in combination with those recited in claim 1, are not shown to be disclosed
11 in the reference of record, either singly or in combination with one another.

12 **Claim 8** recites a processor-readable medium having a tangible component
13 and comprising processor-executable instructions configured for (emphasis
14 added):

- 15 • receiving a binary signature that identifies a security
16 vulnerability in a binary file;
- 17 • receiving a security patch configured to fix the security
18 vulnerability in the binary file; and
- 19 • *distributing the binary signature and the security patch to a*
20 *plurality of servers.*

21 Donohue, meanwhile, describes an updater agent that is associated with a
22 computer program and that accesses relevant network locations to download and
23 install updates to the agent's associated program. The agent, which resides on a
24 conventional computer, downloads and installs the updates onto the computer if
25 those updates satisfy predefined update criteria of the updater agent. *Donohue*,
abstract. The predefined criteria may include the time period between searches for

1 updates and whether the computer user has selected to receive all updates or only
2 certain ones. In a preferred embodiment, the updater agent searches the internet
3 via a search engine to find the network location where an update list is kept.
4 Donohue's updater agent then compares available software updates with installed
5 software on the computer to determine which updates are relevant. The updater
6 agent then compares these updates with the predefined criteria to determine
7 whether or not to download the updates. *Id.* at column 4, line 14 through column
8 5, line 10.

9 In making out a rejection of Applicant's claim 1, the Office contends that
10 Donohue anticipates. Applicant respectfully disagrees, and instead submits that
11 the Office fails to show how Donohue discloses "distributing [a] binary signature
12 and [a] security patch to a plurality of servers", as recited in Applicant's claim. In
13 stating that Donohue discloses this element, the Office appears to chiefly rely on
14 Donohue's column seven, lines 55-65. Applicant reproduces this passage for the
15 Office's convenience:

16 The system 10 of FIG. 1 is shown connected within a network 100
17 of computers including a number of remote server systems (50,50')
18 from which software resources are available for applying updates to
19 programs installed on the local system 10. Each server system
20 includes within storage a list 60 of the latest versions of, and
21 patches for, software products which are available from that
22 server. Each vendor is assumed here to make available via their
23 Web sites such a list 60 of software updates (an example of which is
24 shown in FIG. 2) comprising their product release history, in a
25 format which is readable by updater components...

Donohue, col. 7, lines 55-65 (emphasis added).

Applicant submits that the above passage merely discusses a network 100
that includes multiple remote server systems, with each server containing a list 60

1 of the latest versions, and patches for, software products available from that
2 particular server. In other words, this passage merely states that each server
3 within the network contains updates and patches for whatever software product the
4 server is associated with. Donohue's updater agent may then access the relevant
5 server and download the server's list of updates.

6 First, Applicant respectfully submits that this passage fails to disclose
7 "distributing [a] binary signature and [a] security patch to a plurality of servers".
8 Instead, this passage merely states that each server in the network *contains* a list of
9 updates. Furthermore, the updater agent on a computer goes out and obtains this
10 list—but Donohue does not disclose distributing that list to a plurality of other
11 servers.

12 Furthermore, Applicant submits that each server within the Donohue
13 network 100 appears to correspond to different software products. Each server
14 thus contains a list of updates and patches for a particular software product. As
15 such, each server contains *different* updates and patches. Therefore, even
16 assuming that "each vendor" distributes these updates and patches to a
17 corresponding server, not a single vendor has been shown to distribute these
18 updates and patches to a "plurality of servers". The cited portion of Donohue
19 therefore fails to disclose "distributing *the* binary signature and *the* security patch
20 *to a plurality of servers*", as recited in Applicant's claim. (emphasis added).
21 Applicant further notes that this claim does not merely recite distributing *any sort*
22 *of* binary signature and security patch, but rather recites distributing *the* received
23 binary signature and *the* received security patch to a plurality of servers—and not
24 to a single corresponding server.

25 For at least this reason, this claim stands allowable.

1 **Claims 9 and 10** depend from claim 8 and, as such, the remarks made
2 above in regards to claim 8 apply equally to these claims. The rejections of these
3 claims are also improper as failing to disclose these claims' own recited features
4 which, in combination with those recited in claim 8, are not shown to be disclosed
5 in the reference of record, either singly or in combination with one another.

6 **Claim 11** recites a processor-readable medium having a tangible
7 component and comprising processor-executable instructions configured for
8 (emphasis added):

- 9 • receiving a binary signature from a server;
- 10 • searching for the binary signature in binary files located on a
client computer;
- 11 • *sending a request from the client computer to the server for*
12 *a security patch if a binary file is found that includes the*
binary signature;
- 13 • receiving the security patch from the server; and
- 14 • updating on the client computer the binary file with the
security patch..

15 In making out a rejection of this claim, the Office states that Donohue
16 anticipates all of the elements of the claim. Applicant respectfully disagrees, and
17 submits that the Office at least fails to show how Donohue discloses "*sending a*
18 *request from the client computer to the server for a security patch if a binary file is*
19 *found that includes the binary signature*", as recited in Applicant's claim.
20 (emphasis added). In this regard, Applicant submits that: (1) the cited portion of
21 Donohue fails to disclose this claim element, and (2) Donohue as a whole fails to
22 disclose this element.

23 First, Applicant submits that the cited portion of Donohue fails to disclose
24 this claim element. In stating that Donohue does indeed anticipate this element,
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1 the Office cites to Donohue's column 13, lines 6-10. Applicant reproduces this
2 passage, as well as some surrounding text, for the Office's convenience:

3 ***Structure of Updater Component***

4 The structure of an updater component comprises data, methods for
5 operating on that data, and a public application programming
6 interface (API) which allows other updater components to contact
7 and communicate with it. ***This structure will now be described in
detail.***

8 * * *

9 ***Receive_Event(event details)***

10 ***When an updater component receives a request to update, it must***
11 ***inform the calling updater component when it has completed the***
12 ***update or otherwise*** e.g. if it failed for some reason. The updater
13 component performing the update on behalf of another updater
component will call this function of the requesting updater
component to communicate success of the update or otherwise.

14 *Donohue*, col. 11, lines 20-25, col. 13, lines 5-13 (emphasis added).

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16 As the first of the two passages explains, the second and cited Donohue
17 passage relates to the *structure of the updater component that resides on a*
18 *conventional computer*. With this context in mind, the cited passage then explains
19 that a first "updater component [may] receive[] a request to update" from another
20 "calling updater agent". As discussed in portions of Donohue following this
21 passage, the cited passage relates to multiple updater components for differing
22 associated computer programs communicating with one another. As Donohue
23 describes, an updater component associated with a first software program may
24 recognize that another second software program is a pre-requisite to updating the
25 first software program. This first updater component may then "call" an updater

1 component associated with the second computer program and request that the
2 latter updater component update the second computer program. *Id.* at col. 13,
3 lines 22-54. Applicant submits that cited passage of Donohue merely relates to
4 this interrelationship between multiple updater components residing on a same
5 conventional computer.

6 Applicant respectfully submits that this passage—relating to requests
7 *between* updater components, all resident on a single computer—fails to disclose
8 “*sending a request from the client computer to the server for a security patch if a*
9 *binary file is found that includes the binary signature*”, as recited in Applicant’s
10 claim. (emphasis added). In fact, Applicant respectfully submits that this cited
11 passage fails to relate to the sending of a request to any sort of server whatsoever.
12 Additionally, the described communication between updater components fails to
13 disclose “request[ing]...a security patch”, as well as sending a request “if a binary
14 file is found that includes the binary signature”. Applicant thus respectfully
15 submits that the Office fails to show how Donohue anticipates Applicant’s claim.

16 For at least this reason, this claim stands allowable.

17 Secondly, Applicant respectfully submits that Donohue as a whole at least
18 fails to disclose “*sending a request from the client computer to the server for a*
19 *security patch if a binary file is found that includes the binary signature*”, as
20 recited in Applicant’s claim. (emphasis added).

21 As discussed above, Donohue has at most been shown to disclose an
22 updater agent that is associated with a computer program and that *accesses*
23 *relevant network locations and automatically downloads and installs any*
24 *available updates to its associated program.* Donohue, abstract (emphasis added).
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1 As such, Donohue's updater agent merely retrieves available updates from a
2 network location and automatically installs them on a computer.

3 Applicant contrasts this Applicant's claim 11, which recites "receiving a
4 binary signature from a server; *searching for the binary signature* in binary files
5 located on a client computer; [and] *sending a request from the client computer to*
6 *the server for a security patch if a binary file is found that includes the binary*
7 *signature*". (emphasis added). Donohue's updater agent does not so "receiv[e]...,
8 search[], [and] request[]"—the updater agent merely retrieves the updates and
9 installs them.

10 For at least this additional reason, this claim stands allowable.

11 **Claim 12** depends from claim 11 and, as such, the remarks made above in
12 regards to claim 11 apply equally to this claim. The rejection of this claim is also
13 improper as failing to disclose this claim's own recited features which, in
14 combination with those recited in claim 11, are not shown to be disclosed in the
15 reference of record, either singly or in combination with one another.

16 **Claim 13** recites a method comprising (emphasis added):

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- 18 • receiving a binary signature from a server and at a client
computer;
 - 19 • searching on the client computer for a vulnerable file based
on the binary signature;
 - 20 • *if a vulnerable file is found on the client computer,*
requesting a security patch from the server;
 - 21 • receiving the security patch from the server and at the client
computer in response to the request for the security patch
22 from the client computer; and
 - 23 • fixing the vulnerable file with the security patch received
from the server.
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1 In making out a rejection of this claim, the Office states that Donohue
2 anticipates and uses reasoning similar to that discussed above in regards to claim
3 11. Thus, for at least the reasons discussed above in regards to claim 11,
4 Applicant respectfully submits that the Office fails to show how Donohue
5 anticipates this claim and, further, that Donohue as a whole fails to so anticipate.
6 Namely, Donohue fails to disclose "if a vulnerable file is found on the client
7 computer, requesting a security patch from the server", as recited in Applicant's
8 claim. Instead, Donohue at most has been shown to describe retrieving and
9 automatically installing updates to a computer.

10 For at least this reason, this claim stands allowable.

11 **Claims 16-18** depend from claim 13 and, as such, the remarks made above
12 in regards to claim 13 apply equally to these claims. The rejections of these
13 claims are also improper as failing to disclose these claims' own recited features
14 which, in combination with those recited in claim 13, are not shown to be
15 disclosed in the reference of record, either singly or in combination with one
16 another.

17 **Claim 20** recites method comprising:

- 18 • receiving, at a scan/patch server, a binary signature and a
19 security patch from a distribution server;
- 20 • searching, by the scan/patch server, on a client computer for a
21 vulnerable file associated with the binary signature; and
- 22 • if a vulnerable file is found, fixing, by the scan/patch server,
the vulnerable file on the client computer with the security
patch.

23 In making out a rejection of this claim, the Office states that Donohue
24 anticipates and uses reasoning similar to that discussed above in regards to claim
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1 1. Thus, for at least the reasons discussed above in regards to claim 1, Applicant
2 respectfully submits that Donohue does not anticipate this claim. For instance,
3 Applicant respectfully submits that the Office fails to show how Donohue
4 discloses “receiving, *at a scan/patch server*, a binary signature and a security
5 patch”, “searching, *by the scan/patch server, on a client computer* for a vulnerable
6 file associated with the binary signature”, and “fixing, *by the scan/patch server*,
7 the vulnerable file *on the client computer*”, as recited in Applicant’s claim.
8 (emphasis added). Furthermore, Applicant notes that during the above-referenced
9 interview, the Examiner appeared to agree that Donohue discloses no such claim
10 elements.

11 For at least these reasons, this claim stands allowable.

12 **Claim 23** recites a computer comprising (emphasis added):

- 13 • means for receiving, at a client computer, a binary signature
14 from a server;
- 15 • means for searching for a vulnerable file located on the client
16 computer based on the binary signature;
- 17 • *means for requesting, by the client computer, a security*
18 *patch from the server if a vulnerable file is found on the*
19 *client computer*;
- 20 • means for receiving the security patch from the server at the
21 client computer responsive to the request for the security
22 patch; and
- 23 • means for fixing the vulnerable file with the security patch
24 received from the server.

21 In making out a rejection of this claim, the Office states that Donohue
22 anticipates and uses reasoning similar to that discussed above in regards to claim
23 11. Thus, for at least the reasons discussed above in regards to claim 11,
24 Applicant respectfully submits that the Office fails to show how Donohue
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1 anticipates this claim and, further, that Donohue as a whole fails to so anticipate.
2 Namely, Donohue fails to disclose “means for requesting, by the client computer,
3 a security patch from the server if a vulnerable file is found on the client
4 computer”, as recited in Applicant’s claim. Instead, Donohue at most has been
5 shown to describe retrieving and automatically installing updates to a computer.

6 For at least this reason, this claim stands allowable.

7 **Claim 24** recites a server comprising:

- 8 • means for receiving, at a scan/patch server, a binary signature
9 and a security patch from a distribution server;
- 10 • means for scanning, from the scan/patch server, a client
11 computer for a vulnerable file associated with the binary
12 signature; and
- 13 • means for fixing, from the scan/patch server, the vulnerable
14 file on the client computer with the security patch if a
15 vulnerable file is found on the client computer.

16 In making out a rejection of this claim, the Office states that Donohue
17 anticipates and uses reasoning similar to that discussed above in regards to claim
18 1. Thus, for at least the reasons discussed above in regards to claim 1, Applicant
19 respectfully submits that Donohue does not anticipate this claim. For instance,
20 Applicant respectfully submits that the Office fails to show how Donohue
21 discloses “means for receiving, *at a scan/patch server*, a binary signature and a
22 security patch”, “means for scanning, *from the scan/patch server, a client*
23 *computer* for a vulnerable file associated with the binary signature”, and “means
24 for fixing, *from the scan/patch server*, the vulnerable file *on the client computer*”,
25 as recited in Applicant’s claim. (emphasis added). Furthermore, Applicant notes
that during the above-referenced interview, the Examiner appeared to agree that
Donohue discloses no such claim elements.

1 For at least these reasons, this claim stands allowable.

2 **Claim 25** recites a computer having a tangible component and comprising
3 (emphasis added):

- 4 • binary information;
- 5 • a storage medium configured to retain the binary information;
- 6 • a scan module configured to receive a binary signature from a
7 server and scan the binary information on the computer for
8 the binary signature; and
- 9 • *a patch module configured to request a security patch from
a server and install the security patch from the server if the
binary signature is found in the binary information on the
computer.*

10 In making out a rejection of this claim, the Office states that Donohue
11 anticipates and uses reasoning similar to that discussed above in regards to claim
12 11. Thus, for at least the reasons discussed above in regards to claim 11,
13 Applicant respectfully submits that the Office fails to show how Donohue
14 anticipates this claim and, further, that Donohue as a whole fails to so anticipate.
15 Namely, Donohue fails to disclose “a patch module configured to request a
16 security patch from a server and install the security patch from the server if the
17 binary signature is found in the binary information on the computer”, as recited in
18 Applicant’s claim. Instead, Donohue at most has been shown to describe
19 retrieving and automatically installing updates to a computer.

20 For at least this reason, this claim stands allowable.

21 **Claim 27** depends from claim 25 and, as such, the remarks made above in
22 regards to claim 25 apply equally to this claim. The rejection of this claim is also
23 improper as failing to disclose this claim’s own recited features which, in
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1 combination with those recited in claim 25, are not shown to be disclosed in the
2 reference of record, either singly or in combination with one another.

3 **Claim 28** recites a computer having a tangible component and comprising
4 (emphasis added):

- 5 • binary files;
- 6 • a storage medium configured to retain the binary files;
- 7 • a binary signature; and
- 8 • a security patch module configured to receive the binary
signature from a server and to scan the binary files on the
computer in search of the binary signature;
- 9 • a binary file that includes the binary signature; and
- 10 • a security patch;
- 11 • *wherein the security patch module is further configured to*
12 *request the security patch from the server upon locating the*
13 *binary signature within the binary file*, and to apply the
security patch to the binary file that includes the binary
signature.

14 In making out a rejection of this claim, the Office states that Donohue
15 anticipates and uses reasoning similar to that discussed above in regards to claim
16 11. Thus, for at least the reasons discussed above in regards to claim 11,
17 Applicant respectfully submits that the Office fails to show how Donohue
18 anticipates this claim and, further, that Donohue as a whole fails to so anticipate.
19 Namely, Donohue fails to disclose a “security patch module [that] is [] configured
20 to request the security patch from the server upon locating the binary signature
21 within the binary file”, as recited in Applicant’s claim. Instead, Donohue at most
22 has been shown to describe retrieving and automatically installing updates to a
23 computer.

24 For at least this reason, this claim stands allowable.
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1 **Claim 30** recites a distribution server having a tangible component and
2 comprising (emphasis added):

- 3 • a database embodied as a computer-readable storage medium;
4 and
- 5 • *a distribution module configured to* receive a binary
6 signature and a security patch, store the binary signature and
7 the security patch in the database, and *distribute the binary*
8 *signature and the security patch to a plurality of servers.*

9 In making out a rejection of this claim, the Office states that Donohue
10 anticipates all of the elements of the claim. Applicant respectfully submits, however,
11 that the Office fails to show how Donohue anticipates for at least the reasons
12 discussed above in regards to claim 8. Namely, Donohue fails to disclose “a
13 distribution module configured to...distribute the binary signature and the security
14 patch *to a plurality of servers*”, as recited in Applicant’s claim. (emphasis added).

15 For at least this reason, this claim stands allowable.

16 **Claim 31** depends from claim 30 and, as such, the remarks made above in
17 regards to claim 30 apply equally to this claim. The rejection of this claim is also
18 improper as failing to disclose this claim’s own recited features which, in
19 combination with those recited in claim 30, are not shown to be disclosed in the
20 reference of record, either singly or in combination with one another.

21 **Claim 32** recites a server having a tangible component and comprising:

- 22 • a binary signature associated with a security vulnerability in a
23 binary file;
- 24 • a security patch configured to fix the security vulnerability in
25 the binary file;
- a database embodied as a storage medium and configured to
 store the binary signature and the security patch;
- a scan module configured to scan, from the server, binary
 files on a client computer for the binary signature and to

1 update, from the server, the binary file on the client computer
2 with the security patch if the binary signature is found,
3 wherein the client computer is remote from the server.

4 In making out a rejection of this claim, the Office states that Donohue
5 anticipates and uses reasoning similar to that discussed above in regards to claim
6 1. Thus, for at least the reasons discussed above in regards to claim 1, Applicant
7 respectfully submits that Donohue does not anticipate this claim. For instance,
8 Applicant respectfully submits that the Office fails to show how Donohue
9 discloses "a scan module configured to scan, *from the server*, binary files *on a*
10 *client computer* for the binary signature and to update, *from the server*, the binary
11 file *on the client computer* with the security patch if the binary signature is found,
12 *wherein the client computer is remote from the server*", as recited in Applicant's
13 claim. (emphasis added). Furthermore, Applicant notes that during the above-
14 referenced interview, the Examiner appeared to agree that Donohue discloses no
15 such claim elements.

16 For at least this reason, this claim stands allowable.

17 **Claim 33** depends from claim 32 and, as such, the remarks made above in
18 regards to claim 32 apply equally to this claim. The rejection of this claim is also
19 improper as failing to disclose this claim's own recited features which, in
20 combination with those recited in claim 32, are not shown to be disclosed in the
21 reference of record, either singly or in combination with one another.
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1 **§103 Rejections**

2 Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable
3 over Donohue in view of U.S. Patent No. 5,930,504 to Gabel (hereinafter,
4 “Gabel”). Applicant respectfully traverses this rejection.

5 **Claim 19** ultimately depends from independent claim 13. As discussed
6 above, Applicant submits that claim 13 stands allowable. Applicant submits that
7 Donohue not only fails to disclose elements of claim 13, but also fails to teach or
8 suggest such elements. Furthermore, in the rejection of claim 19 Gabel has not
9 been cited to teach or suggest claims elements that the rejection of base claim 13
10 lacks. Thus, claim 19 stands allowable as depending from an allowable base
11 claim. The rejection of this claim is also improper as failing to disclose this
12 claim’s own recited features which, in combination with those recited in claim 13,
13 are not shown to be taught or suggested in the reference of record, either singly or
14 in combination with one another.

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